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Civil Service Reform Association of Pa.

Draft of a state civil service act entitled, An Act...

[Philadelphia]

[1913?]

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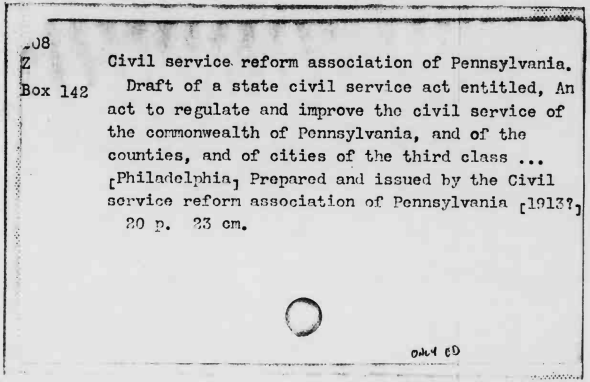

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Box 142

Civil service reform association of Pennsylvania.
Draft of a state civil service act entitled, An act to regulate and improve the civil service of the commonwealth of Pennsylvania, and of the counties, and of cities of the third class ... [Philadelphia] Prepared and issued by the Civil service reform association of Pennsylvania [1913?]
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DRAFT
of a
STATE CIVIL SERVICE ACT
entitled
AN ACT

To regulate and improve the Civil Service of the Commonwealth of Pennsylvania, and of the Counties, and of Cities of the third class; providing that the Act shall take effect at once in so far as it relates to the Civil Service of the Commonwealth, and of any County having a population of two hundred and fifty thousand inhabitants or more, and that it shall take effect in so far as it relates to the Civil Service of any County having a population of less than two hundred and fifty thousand inhabitants, or of any City upon its acceptance by a vote of the people of such County or City, making any violation of its provisions a misdemeanor and providing penalties for any violations thereof.

Prepared and issued by the
Civil Service Reform Association
of Pennsylvania

Note

This draft of a State Civil Service Act has been prepared by the Civil Service Reform Association of Pennsylvania. It is offered to the public for criticism and suggestions. These should be addressed to

T. Henry Walnut,

Counsel and Secretary.

203 Franklin Building.
133 S. 12th St., Phila., Pa.

The members of the Executive Committee of the Civil Service Reform Association are as follows:

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Nov. 5 1913

AN ACT

To regulate and improve the Civil Service of the Commonwealth of Pennsylvania, and of the Counties and of Cities of the third class; providing that the Act shall take effect at once in so far as it relates to the Civil Service of the Commonwealth and of any County having a population of two hundred and fifty thousand inhabitants or more, and that it shall take effect in so far as it relates to the Civil Service of any County having a population of less than two hundred and fifty thousand inhabitants, or of any City of the third class upon its acceptance by a vote of the people of such County or City, making any violation of its provisions a misdemeanor and providing penalties for any violations thereof.

SECTION 1.—*Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That this Act shall apply to the Civil Service of the Commonwealth of Pennsylvania and to the Civil Service of each county having a population of two hundred and fifty thousand inhabitants or more according to a United States census, and to the Civil Service of each county having a population of less than two hundred and fifty thousand inhabitants which has accepted its provisions in the manner hereinafter provided in Section 33, and to the Civil Service of each city of the third class which has accepted its provisions in the manner hereinafter provided in Section 33. This Act shall be known and may be cited as "The Civil Service Act."

SEC. 2.—The term "Civil Service of the Commonwealth" shall include all offices, positions and employments in which the officers or employes are paid from the State Treasury, and all offices, positions or employments in or under institutions, departments, boards, or commissions wherein the Commonwealth, either directly or through any commission, board, official or officials, has the right to appoint or select the officials or employes, or which are constituted agencies for the performance of a function of this Commonwealth: *Provided, however,* that this Act shall not apply to offices, employments or positions in the military or naval service of the Commonwealth

The term "Civil Service of any County" shall include for each county to which this Act applies and each county which has accepted the provisions of this Act in the manner provided in Section 33, all offices, positions and employments in which the officers or employes are paid from the county treasury, and all offices, positions or employments in or under institutions, departments, boards or commissions, wherein the county, either directly or through any commission, board, officia' or officials, has the right to appoint or select the officials or [illegible]ployes.

The term "Civil Service of any City" shall include for each city which has accepted the provisions of this Act in the manner

provided in Section 33, all offices, positions and employments in which the officers or employes are paid from the city treasury, and all offices, positions or employments in or under institutions, departments, boards or commissions, wherein the city, either directly or through any commission, board, official or officials has the right to appoint or select the officials or employes.

The terms "any county" and "any city" and "every county" and "every city," unless a contrary meaning clearly appears from the context to be intended, shall mean each and every county with a population of two hundred and fifty thousand inhabitants or more, and each and every county or city which has accepted the provisions of this Act in the manner provided in Section 33.

The term "positions" shall include offices and employments unless a contrary meaning clearly appears from the context to be intended.

The term "appoint" shall include employ and the term "appointment" shall include employment.

The term "Commonwealth" shall mean the Commonwealth of Pennsylvania.

The terms "he" and "his" shall include it, its, she, her, they and their, unless a contrary meaning clearly appears from the context to be intended.

The term "oath" shall include affirmation and "swear" shall include affirm.

SEC. 3.—The Governor, by and with the advice and consent of the Senate, shall appoint a State Civil Service Commission consisting of three Commissioners. The persons appointed Commissioners shall be men in full sympathy with the purposes of this Act. Not more than two of the said Commissioners shall at any one time be adherents of the same political party. It shall be the duty of the Civil Service Commission to enforce the provisions of this Act. The Commissioners shall be appointed as follows: On the first day of April, one thousand nine hundred and thirteen, the Governor shall appoint three Commissioners, one to serve for a term of five years, the second for a term of three years, and the third for a term of one year. The Governor shall designate one of the Commissioners President of the Commission. At the expiration of each of the terms of the Commissioners appointed as aforesaid, the Governor shall appoint a Commissioner to serve for the full term of five years. Thereafter, whenever the term of a Commissioner expires, his successor shall be appointed for a full term of five years. The Governor may at any time remove a Commissioner after furnishing him a written statement of the specific reasons for such action and giving him a reasonable opportunity to make written answer. The statement of the Governor and the answer of the Commissioner, if any, shall be made a part of the public records of the Commission. The Governor shall fill any vacancy which may occur in said Commission by the appointment, within two months from the occurrence of the vacancy of a successor to serve for the remainder of the unexpired term. Whenever any vacancy shall

exist in the office of the President of the Commission, the Governor shall have the right to designate any one of the three members of the Commission as the President thereof, and the person so designated shall serve as President until the expiration of his term. The salaries of the Commissioners and the expenses of conducting the examination system, of keeping the records, and of carrying out the provisions of this Act shall be paid by the Commonwealth. No Commissioner shall hold any other office under the United States, or under the Commonwealth of Pennsylvania, or any county or city thereof (whether or not said county or city has accepted the provisions of this Act), nor shall any Commissioner take any active part in political affairs or in the management of any political campaign. The President of the Civil Service Commission shall receive a salary of five thousand dollars per year, and shall devote his entire time to the work of that office. Each of the other Commissioners shall be paid a salary of three thousand dollars per year. The Commissioners shall qualify by filing with the Governor an oath, reciting that they are in full sympathy with the purposes of this Act and that they will perform faithfully the duties of their office. Two members shall constitute a quorum of the Commission. The principal office of the Commission shall be in the city of Harrisburg, where its general sessions shall be held, but whenever the convenience of the public can be promoted, or delay or expense thereby be prevented, the Commission may hold special sessions in any part of the Commonwealth.

SEC. 4.—The Civil Service Commission shall appoint a chief examiner, who shall also act as its secretary, and such other clerks, examiners and employes as it may deem necessary or proper to carry out the purposes of this Act. The chief examiner shall receive a salary of three thousand dollars a year. The clerks, examiners and employes shall receive salaries to be fixed by the Civil Service Commission. All the expenses of the Commission, including all necessary expenses incurred by members of the Commission or their employes under their orders, in making any investigation or upon any official business, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member of the Commission. The Commission shall not expend, or authorize the expenditure, of moneys for any purpose in excess of the sums appropriated therefor by law. The chief examiner and all of the clerks, examiners and employes of the Civil Service Commission shall be included in the competitive class of the classified Civil Service of the Commonwealth.

SEC. 5.—No person, board or commission having the power of appointment to positions in the Civil Service of the Commonwealth or of any county or city shall, in the case of the Commonwealth and counties with a population of two hundred and fifty thousand inhabitants or more, after the thirtieth day of April, one thousand nine hundred and thirteen, and in the case of any county or city after sixty days from the date of the acceptance

of this Act by such county or city, appoint any person or make any other change in the status of any person in any position in the classified Civil Service of the Commonwealth, or of any such county or city, except in accordance with the provisions of this Act, and the rules and regulations prescribed thereunder. No person shall be appointed to any position in the classified Civil Service of the Commonwealth, or of any county or city, unless he has been selected in the manner hereinafter provided from the appropriate eligible list of those who have passed competitive examinations for such position or for one which in the judgment of the Civil Service Commission is substantially similar, or unless he is shown to be exempted from such examination by the provisions of this Act, and the rules and regulations made pursuant thereto: *Provided, however,* that among those persons possessing equal qualifications and certified for appointment, preference in appointment shall be given to honorably discharged soldiers and sailors who served in the army or navy of the United States during the War of the Rebellion: *Provided, further, however,* that if the preference hereby provided for be for any reason invalid, all the other provisions of this Act shall remain in force with like effect as if said preference had not been contained herein. If, in violation of this Act or of the rules and regulations established thereunder, any person appoints, promotes or reinstates, or attempts to appoint, promote or reinstate any person in any position in the classified Civil Service of the Commonwealth or of any county or city, the person making or attempting to make such appointment, promotion or reinstatement shall from his individual resources pay the person illegally appointed, promoted or reinstated, or attempted to be appointed, promoted or reinstated, the same compensation for any services performed by him under such appointment, promotion or reinstatement, or attempted appointment, promotion or reinstatement, which he would have been entitled to receive from the Commonwealth or any county or city if his appointment, promotion or reinstatement had been legal, and shall further pay to such person any costs and other reasonable expenses incurred by him in enforcing this liability. No person who has been forced to pay compensation to another person because of the foregoing provisions shall be reimbursed by the Commonwealth or by any county or city thereof for any sums so paid, or for any expenses incurred in connection therewith.

SEC. 6.—It shall be the duty of the proper officials of the Commonwealth and of each county and city, to cause suitable and convenient rooms and accommodations to be provided, and to be furnished, heated and lighted, for carrying on the work and examinations of the Civil Service Commission. The Civil Service Commission may order from the proper authorities of the Commonwealth the necessary stationery, printing and other supplies for its official use. It shall be the duty of the officers of the Commonwealth, and of every county and city, to aid the said Civil Service Commission in all proper ways in carrying out

the provisions of this Act, and to allow the use of public buildings, and to heat and light the same, for holding examinations and investigations, and in all proper ways to facilitate the work of the Commission.

SEC. 7.—The Civil Service Commission shall:

1.—Prescribe, amend and enforce such rules as may from time to time be necessary or desirable in its judgment for carrying into effect the provisions of this Act. The Commission shall not adopt, amend or rescind any rule except after a public hearing held in the manner provided in Section 28 of this Act. The Commission may, however, without a public hearing, adopt regulations with reference to the conduct of its office, minor details connected with examinations and other matters of minor importance. Immediately upon the adoption or amendment of any rule or regulation, the Commission shall post a copy thereof on a suitable bulletin board at its office, and shall cause copies to be printed for public distribution.

2.—Keep minutes of its own proceedings and records of its examinations and of all other official actions. All minutes of the Commission, examination papers, eligible lists and other records of the Commission, except as hereinafter specifically provided, as well as all recommendations and correspondence relating to applicants for office or employment received by the said Commission, or by any person having authority to make appointments, shall be preserved and shall, subject to reasonable regulations as to the time and manner of examination, be open to public inspection: *Provided, however,* that statements of former employers of applicants for office or employment shall be considered strictly confidential and not open to inspection by any person not employed by the Commission.

3.—Make investigations, either sitting as a body or through a single Commissioner, concerning all matters touching the operation and results of the provisions of this Act, and the rules and regulations prescribed thereunder, and concerning the efficiency of all officers and employes and of all groups of officers and employes in the classified service and make reports to each officer, board or other authority in charge of any institution, office or department of the State government its findings and recommendations relative to increasing efficiency and economy therein. In case the recommendations made by the Commission are not carried into effect within a reasonable time, or in case of a difference of opinion with reference to such findings or recommendations between the Commission and the officers, board or other authority in charge of an institution, office or department concerned in any such finding or recommendation, the report, accompanied by a note of the relevant facts shall be transmitted to the Governor by the Commission, and each Commissioner and the chief examiner shall have power to administer oaths and to take testimony in connection with any investigation or other business of the Commission.

4.—Have power to require by subpœna the attendance from any place in the Commonwealth and to compel testimony, under oath, of witnesses, and the production of all books, documents, memoranda or other papers relating to any matter under investigation by the Commission. Any of the Courts of Common Pleas of the Commonwealth, within the jurisdiction of which such inquiry is carried on, shall on complaint of the Commission, or of any party appearing before it, in case of contumacy or refusal of any person to obey a subpœna of the Commission, issue an order requiring such person to appear before the Commission and to produce books and papers if so ordered, and to give evidence touching the matter in question. Any failure to obey such order of the Court may be punished by such Court as a contempt thereof. No person shall be excused from attending and testifying or from producing books and papers before the Commission, or in any court, in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or liable to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have been compelled to testify or produce evidence under oath, documentary or otherwise, before said Commission, or in any Court in any such cause: *Provided*, that no person in so testifying shall be exempt from prosecution or for perjury in so testifying.

The fees of witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas, and, if the witnesses are subpœnæd on behalf of the Commission or if the Commission shall deem that justice requires it, shall be paid from the appropriation to the Commission. All officers in the public service and their deputies, clerks, subordinates, and employes, shall attend and testify when required to do so by said Commission without being entitled to receive any witness fees.

5.—Have power to recommend the impeachment or removal of officials or employes of the Commonwealth, or of any county or city, who shall be deemed guilty by a majority of the Commissioners, after a full hearing, of charges that they have coerced or attempted to coerce their subordinates in the performance or non-performance of a political or other service having no proper relation to the duties of a public employe, or in the payment of a contribution for any political purpose.

6.—Make an annual report to the Governor, showing its own actions; the rules and regulations, and all the exceptions thereto, in force; and any proposed legislation or other suggestions it may approve for the more effectual accomplishment of the purposes of this Act. At least one thousand copies of the annual report shall be printed for public distribution.

SEC. 8.—The Civil Service of the Commonwealth and of each county and city shall be divided into the unclassified service and the classified service.

The unclassified service shall comprise:

All officers elected by the people.

All heads of departments or members of boards or commissions whose appointment is subject to confirmation by the Senate.

All persons engaged directly in the service of either branch of the Legislature and appointed by any officer or committee thereof.

All persons holding positions in the judicial service and receiving a salary of more than one thousand dollars per year.

All persons holding positions under any school district.

Registrars of Election.

The classified service shall comprise all persons in the Civil Service of the Commonwealth, and of every county and city, not specifically included in the unclassified service by the foregoing provisions.

SEC. 9.—The Civil Service Commission shall make suitable rules and regulations providing for examinations for all the positions in the competitive, non-competitive and labor classes of the classified service of the Commonwealth, and of every county and city, and for the manner of making appointments to and promotions and other changes in all positions in the entire classified service thereof, and for such other matters as are necessary to carry out the purposes of this Act.

The Civil Service Commission shall supervise and control all examinations, and may conduct its examinations through its regular subordinates, or it may designate a suitable person or persons either in or not in the official service of the State, or of any county or city, to be the examiners in a particular examination, and it shall be the duty of such examiners, and if in the official service it shall be part of their official duty without extra compensation, to conduct such examinations, subject to the directions of the said Commission, and to make return or report thereof to said Commission; and the said Commission may at any time substitute any other person whether or not in such service, in the place of any one so selected; and the Commissioners may themselves at any time act as such examiners and without appointing examiners. Such examinations shall be held in such locality or localities as will most readily provide reasonable opportunity for participation therein for all citizens of the said Commonwealth with reference to positions in the service of the Commonwealth, or to the citizens of any county or city with reference to positions in the service of the said county or city. The Commission shall have authority at its discretion to provide separate eligible lists for positions in the service of the Commonwealth in the various counties and cities.

SEC. 10.—All original appointments to the competitive and non-competitive classes of the classified service shall be for a

probationary period of four months: *Provided, however,* that at any time during the probationary period the appointee may be dismissed in the manner provided in Section 22. If at the close of this probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment, whereupon his employment shall cease; otherwise, his retention in the service shall be equivalent to his final appointment.

SEC. 11.—All examinations for positions in the classified service shall be practical in their character and relate to such matters and include such inquiries as will fairly and fully test the comparative capacity and fitness of the applicants to discharge the duties of the office or employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements stated in Section 12. All applicants for any position in the classified service may, subject to the regulations adopted by the Civil Service Commission, be required to submit to a physical examination before being admitted to the regular examinations held by the Commission. Adequate public notice of the time and place of every examination held under the provisions of this Act, together with information as to the kind of position or place to be filled, shall be given at least two weeks prior to such examinations, except in the case of examinations held to permit emergency or provisional appointments as provided in Section 17 hereof, in which case no public notice shall be necessary. The said Commission shall adopt reasonable regulations for permitting the presence of representatives of the press at all examinations.

SEC. 12.—The Civil Service Commission shall require persons applying for admission to any examination provided for under this Act or under the rules and regulations of the said Commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath:

1.—His full name, residence and postoffice address.

2.—His citizenship, age, and the place and date of his birth.

3.—His health and his physical capacity for public service.

4.—His business and employments and residences for at least the three previous years.

5.—Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the Commission without charge to all persons requesting the same. The Commission may require, in connection with such applications, such certificates of citizens, physicians or others, having knowledge of the applicant, as the good of the service may require. The Commission may refuse to examine an applicant, or, after examination, to certify an eligible, who is found to lack any of the established preliminary requirements for the examination

or position for which he applies; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who has been guilty of any crime, or of infamous or notoriously disgraceful conduct; or who has been dismissed from any public service for delinquency or misconduct; or who has within one year twice failed to attain a pass mark in an examination for the same position; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud, in any application, in any examination, or in securing any appointment. If any applicant feels himself aggrieved by the action of the Commission in so refusing to examine him, or, after an examination, to certify him as an eligible, as provided in this section, the Commission shall, at the request of such applicant, appoint a time and place for a public hearing; at which time such applicant may appear, by himself or by counsel or both, and the Commission shall then review its refusal to make such examination or certification, and testimony shall be taken. The Commission shall subpœna, at the expense of the applicant, any competent witnesses requested by him. After said review, the Commission shall file the testimony taken, in its records, and shall again make a decision, which shall be final. When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond or other surety, and shall notify the Commission of the amount and other details thereof: *Provided, however,* that any surety company, the bonds of which are accepted by a judge of any court of record within the county wherein the office is located, shall be a sufficient surety on any such bond.

SEC. 13.—The positions in the classified service of the Commonwealth, and of every county and city, shall be arranged by the Civil Service Commission, according to the provisions of this Act, in four classes, to be designated as the exempt class, the competitive class, the non-competitive class, and the labor class. The Commission shall have the power, from time to time, to make such reclassifications of the positions in the classified service as it may deem necessary.

No position shall be classified in any other than the competitive class, except after a public hearing by the said Commission, held in the manner provided in Section 28. A list of all positions that it may classify in any other than the competitive class shall be publicly announced and shall be posted on a suitable bulletin board at its office. All positions not classified by the said Commission in the exempt, non-competitive or labor class, shall be in the competitive class.

Upon the petition of any appointing officer or of any ten citizens of the Commonwealth asking for a change in any classification, and setting forth the reasons for such change, the said Commission shall hold a public hearing in the manner provided in Section 28, and, after a careful investigation, shall determine

whether or not such change shall be made. The petition, or a copy thereof, shall be posted on a suitable bulletin board at the office of the Commission at least one week prior to the date of the public hearing thereon, and the petition shall thereafter become part of the public records of the Commission.

SEC. 14.—The exempt class shall include:

1.—One secretary and one confidential clerk to the Governor, and one confidential clerk to the County Commissioners, to the Register of Wills and to the Recorder of Deeds of each county, and to the Mayor of each city, and to the head of each department of the Commonwealth and of each city.

2.—Such positions, except laborers, for the filling of which the Civil Service Commission shall have found competitive or non-competitive examinations to be impracticable. No position shall be deemed to be in the exempt class unless and until the Civil Service Commission, after a careful investigation and after a public hearing held in the manner provided in Section 28 has determined that it is unable to obtain by competitive or non-competitive examinations persons possessing the usual and requisite qualifications for filling such office or position, and has classified such office or position in the exempt class; and the reasons for every such exemption shall be stated separately and at length in the annual reports of the Commission. Not more than one appointment shall be made to, or under the title of, any such office or position, unless a different number is specifically authorized by the said Commission. The Commission may at its discretion limit the time during which any position shall remain in the exempt class. Appointments in the exempt class may be made without examination.

SEC. 15.—The competitive class shall include all positions, now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the classified service of the Commonwealth (including those in the Civil Service Commission), and of every county and city, except such positions as have been placed by the specific provisions of this Act or by definite action of the Civil Service Commission in the exempt class, the non-competitive class or the labor class. No position shall be classified in any other than the competitive class unless the Commission has determined that persons possessing the requisite qualifications for filling that position cannot be obtained through competitive examinations. Appointments shall be made to all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this Act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of Section 16. The term of validity of each eligible list shall be fixed by the Civil Service Commission at not less than one nor more than three years. The Commission shall have the power to cancel any eligible list for fraud or for any other definite cause connected

with the examination through which such list was procured: *Provided*, that the Commission has determined after a public hearing held in accordance with the provisions of Section 28 of this Act that such cancellation is necessary in order to promote the purposes of this Act. The Commission shall enter upon its public records the exact cause for the cancellation of any eligible list. The names of those persons eligible for appointment shall always be listed and certified in the order of their gradings, beginning with the highest. Appointments shall be made from the eligible list most nearly appropriate to the duties of the position to be filled, and a new and separate list shall be created only when there is no appropriate list existing from which appointments may be made. No person shall be appointed under any title not appropriate to the duties to be performed. No person in the Civil Service of the Commonwealth or of any county or city shall be assigned to or directed to perform any duties other than those properly pertaining to the position which he legally holds: *Provided, however*, that if his main duties are those properly pertaining to his position, he may, with the written permission of the Civil Service Commission, be assigned to the performance of other additional duties not higher in grade or salary than those of his own position.

SEC. 16.—Every position in the competitive class, unless filled by promotion, transfer, reinstatement or reduction, shall be filled only in the following manner: The appointing officer shall notify the Civil Service Commission of any vacancy in the service which he deems it necessary to fill and shall request the certification of eligibles. The Commission shall forthwith certify from the appropriate eligible list the names of the three persons thereon who received the highest averages at examinations held under the provisions of this Act. If no appropriate eligible list containing three or more names exists, the Commission shall proceed at once to hold an examination and to secure an eligible list as promptly as possible. The appointing officer shall, upon the receipt of the eligible list from the Commission and with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified: *Provided, however*, that should he make objection to the Civil Service Commission as to one or more of these persons for any of the reasons stated in Section 12 of this Act, and should such objection be sustained by the Commission, the Commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each person so stricken off.

As each subsequent vacancy occurs in the same or a similar position precisely the same procedure shall be followed: *Provided, however*, that after any name has been three times rejected by any one appointing officer for the same or a similar position in favor of other name or names on the same eligible list, the said name shall not again be certified to that appointing officer. When there are a number of positions of the same kind to be

filled at the same time, each appointment must nevertheless be made separately and in accordance with the foregoing provisions.

When an appointment is made under the provisions of this section, it shall be in the first instance for the probationary period fixed by the rules, as provided in Section 10.

The provisions of this Section (16) shall not apply in making appointments to competitive positions which are specially excepted from competitive examinations under the authority conferred in Section 17.

The Commission shall post in a public place in its office the eligible lists containing the names and grades of those who have passed examinations for positions in the competitive class; and shall promptly indicate thereon such appointments as may be made from said lists.

SEC. 17.—Positions in the competitive class may be filled without competition, only as follows:

1.—Whenever there are urgent reasons for filling a vacancy in any position in the competitive class, and there is no list of persons containing one or more names eligible for appointment after a competitive examination, the appointing officer may nominate a person to the Civil Service Commission for non-competitive examination; and if such nominee shall, after appropriate non-competitive examination, be certified by the said Civil Service Commission as qualified he may be appointed provisionally to fill such vacancy, until a selection and appointment can be made after competitive examination. If, however, there is an existing eligible list containing one or two names, the appointing officer, if he is unwilling to make a regular appointment and if he desires to make a provisional appointment, must make such provisional appointment from such list. No provisional appointment shall continue for a longer period than four months, and successive provisional appointments shall not be made to the same position, nor shall the term of any provisional appointment be extended for any cause whatever. A provisional appointee who has been appointed from among the three highest names on an existing eligible list may, however, be permanently appointed at any time within the four months unless a new eligible list has in the meantime been furnished the appointing officer. When an eligible list has been furnished by the said Commission to the appointing officer, any provisional appointment made as provided in this section must be terminated within two weeks from the date on which such list was furnished. The occupancy of a provisional appointment shall not be referred to by an applicant in any competitive examination held while he is occupying his provisional appointment or within six months from the termination of his provisional appointment, nor shall it be given a rating, under experience or otherwise, in any examination.

2.—When the services to be rendered are of a temporary character and will last for a limited period, not to exceed six

months, the appointing officer may advise the Commission, stating the duration of such period, the rate of compensation and other conditions of employment, and may thereupon select for such temporary employment one of the first three persons on the appropriate eligible list who has expressed a willingness to accept a temporary appointment. Successive temporary appointments shall not be made under this clause, nor shall any person be eligible to temporary appointment if he has served under either a temporary or a provisional appointment in the same office or department within the previous six months.

The acceptance or refusal by an eligible of a provisional or temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment from an eligible list. The acceptance of a provisional or temporary appointment shall not confer upon the eligible any of the rights of promotion, transfer or reinstatement.

SEC. 18.—Vacancies in a position in the competitive class shall be filled, so far as practicable, by promotion from among persons holding positions in a lower grade in the department, office or institution in which the vacancy exists. Promotions shall be based upon merit, to be ascertained by competitive examinations, and upon the superior qualifications of the person promoted as shown by his previous service and experience. From such tests eligible lists shall be prepared by the Commission, from which appointments shall be made in the manner hereinbefore provided in the case of original appointments. All positions, so far as practicable, shall be arranged by the Commission in grades, based upon the compensation paid. For the purposes of this Section, an increase in compensation of any person holding a position in the competitive class beyond the limit fixed for the grade in which such position is classified, shall be deemed a promotion. No promotion shall be made to a position in the competitive class from a position in another class except after such competitive examination and certification as is provided for original entrance to the competitive class. No person, except as above provided, shall be promoted to a position for original entrance to which there is required by this Act or the rules adopted pursuant thereto an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person.

SEC. 19.—No transfer shall be made from a position in one class to a position in another class unless the same be specifically authorized by the Civil Service Commission, nor shall a person be transferred to a position for the original entrance to which there is required by this Act or the rules adopted pursuant thereto an examination involving essential tests or qualifications different from or higher than those required for original en-

trance to the position held by such person. If any position in the non-competitive or exempt classes is later classified as being in the competitive class, the person holding such a position must pass an examination equivalent to that required for such or a similar position in the competitive class. or if he fails to pass, he must be removed from such position.

SEC. 20.—The non-competitive class shall include only those positions which are not in the exempt class or the labor class, and for which the Civil Service Commission has determined, after a careful investigation and a public hearing, held in the manner provided in Section 28 of this Act, that suitable persons possessing the requisite qualifications cannot be obtained by means of competitive examinations. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the regulations of the Civil Service Commission and may be made from among those who have successfully passed the examination, without reference to their relative standing. The said Commission shall state in its annual report the number of persons in the Civil Service of the Commonwealth and in the service of each county and city who come within this class, and the character of their services, and the reasons for placing their positions in the said class.

SEC. 21.—The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled in the same general manner prescribed in Section 16 by appointment from the highest three names on the eligible lists of applicants in their respective localities established by the Civil Service Commission. Priority in standing upon such lists shall be made to depend, as far as practicable, upon the relative capacity, ability and fitness of the applicants, and shall be determined in a manner to be prescribed in the rules adopted by the Civil Service Commission. The said Commission shall require an applicant for the labor service before he can be placed upon an eligible list to furnish such evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, capacity for labor, sobriety, industry, and experience in the kind of work for which he applies. The said Commission may establish separate labor lists for various localities, institutions and departments. Where the labor service of any institution or department extends to separate localities the said Commission may provide separate eligible lists for each district or locality.

SEC. 22.—No officer, clerk or employe in the competitive class or in the non-competitive class of the classified Civil Service of the Commonwealth of Pennsylvania, or of any county or city, who shall have been appointed under the provisions of this Act, except those appointed without competitive examination temporarily or provisionally, in the manner provided in Section 17, shall be removed, discharged or reduced in pay or position except for a just cause. Further, no other officer, clerk

or employe shall be removed, discharged or reduced, except as provided in Section 10 of this Act, until he shall have been furnished with a written statement furnishing such specific reasons as, if true, would constitute a just cause for such action, and until he shall have been allowed a reasonable time in which to give the removing officer such written answer as the person sought to be removed or reduced may desire. Upon the receipt and consideration of such answer the removing officer shall finally determine his action in the case; and if he has followed the procedure required by this Section, no appeal to the Civil Service Commission shall lie from his decision unless it is alleged with an offer of proof supported by affidavit that the real reason for the removal was religious or political. If such allegations are made the Commission may investigate the removal, and if in its judgment the allegations are true, it may order the reinstatement of the person removed. No appeal to any Court shall lie from any decision of the said Commission in such cases. In every case of a removal or reduction a copy of the statement of reasons therefor, and of the written answer thereto, shall be furnished to the Civil Service Commission, and entered upon its records: *Provided, however,* that upon the written request of the person so removed or reduced the cause of such removal or reduction shall not be made public by the said Commission. Nothing in this Act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days: *Provided, however,* that successive suspensions shall not be allowed, except in special cases where the permission of the Commission has first been obtained and for reasons of public policy which shall appear upon its records. If any or all of the provisions of this section are for any reason invalid, all the other provisions of this Act shall nevertheless remain in full force and effect as if this section had not been inserted.

SEC. 23.—Any person who has held a position by appointment under the Civil Service rules, and who has been separated from the service without any delinquency or misconduct on his part, may, with the express consent of the Civil Service Commission first had and obtained, be reinstated within one year from the date of such separation to the same or similar position in the same department: *Provided* that for original entrance to the position to be filled by such reinstatement there is not required in the opinion of the Civil Service Commission an examination involving essential tests or qualifications different from or higher than those involved in the examination for original entrance to the position formerly held by the person proposed to be reinstated.

SEC. 24.—It shall be the duty of each appointing officer upon appointing any person in the classified Civil Service of the Commonwealth, or of any county or city therein, to report to the Civil Service Commission forthwith the name of such appointee, the title of his position, the date of commencement of service by virtue thereof, and the salary or compensation thereof,

and to further report the separation of a person from the service, or other change therein, and to furnish from time to time such other information as the Civil Service Commission may require. The Civil Service Commission shall keep in its office, or in a suitable office in the appropriate county or city, official rosters of the classified Civil Service of the Commonwealth of Pennsylvania, and of each county and city; and shall enter thereon the name of each and every person who has been legally appointed, promoted, reduced, or reinstated in any position. These rosters shall be open to public inspection at all reasonable hours. The rosters shall show, in connection with each name, the grading, the date and manner of appointment, promotion, reduction or reinstatement, the compensation of the position, the title of the position, and the date and cause of any termination of such appointment.

SEC. 25.—The Civil Servicce Commission shall also enter upon the aforesaid rosters full information with regard to every person who is at the date on which this Act becomes effective in the employ of the Commonwealth, or of any county or city, and it shall be the duty of all public officials to aid the said Commission in preparing said rosters by furnishing such information as it may require. All persons in the Civil Service of the Commonwealth, or of any county or city, who were legally holding the same position at least four months prior to the date at which this Act becomes effective as to such position, and who are legally holding such positions on the said date, shall be construed to have been appointed under the provisions of this Act, and shall hold their positions in accordance therewith: *Provided*, such persons within six months of the date at which this Act becomes effective as to the positions held by them pass such non-competitive examinations as the Commission may deem necessary to demonstrate their capacity to fill the positions occupied by them. No other person shall be allowed to remain in his position more than six months from the date at which this Act becomes effective as to such position, unless within that time he is appointed in the usual manner from an eligible list, established after competitive examination; and his place shall be vacated at any time within the said period of four months when any other person has been regularly appointed thereto from such an eligible list, unless he himself has been appointed meanwhile from such a list.

SEC. 26.—It shall be unlawful for the auditor or other fiscal officer of the Commonwealth, or of any county or of any city therein, to draw, sign or issue, or to authorize the drawing, signing or issuing, of any warrant on the treasurer or other disbursing officer of the Commonwealth, or of any county or of any city thereof, for the payment of; or for the treasurer or other disbursing officer of the Commonwealth, or of any county or of any city therein, to pay, any salary or compensation in any form whatever to any person in the classified service of the Commonwealth, or of any county or of any city thereof, unless the pay

roll or account for such salary or compensation, shall bear the certificate of the Civil Service Commission that the persons named in such pay roll or account have been appointed, promoted, transferred to, reinstated in, or reduced to their several positions in accordance with this Act and the rules and regulations of the Civil Service Commission, and that during the time their services were purported to have been rendered they were legally occupying their several positions and were performing the duties thereof. Any person entitled to be certified by said Commission to the controller, or other fiscal or disbursing officer, and refused such certificate, may maintain a proceeding by mandamus to compel the Commission to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any person making such appointment in contravention of the provisions of law or of the rules made in pursuance of law, or from any person signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any said persons, in an action brought to the use of the Commonwealth or of the proper county or city in the Court of Common Pleas of any county within the State, maintained by a citizen resident therein, who is assessed for and liable to pay, or within one year before the commencement of the action has paid, a state, county or city tax within the Commonwealth. All moneys recovered in any action brought under this section must, when collected, be paid into the treasury of the Commonwealth, or the proper county or city, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action including an attorney's fee of five per cent. of the amount recovered.

SEC. 27.—No question in any form of application, or in any examination, shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any person in the Civil Service against, or in favor of, an applicant, or an eligible, or a person in the classified service of the Commonwealth, or of any county or city, because of his political or religious opinions or affiliations. No person shall appoint, promote, remove, discharge, reduce, or in any manner discriminate against, or in favor of, any person in the classified Civil Service of the Commonwealth, or of any county or city, because he has made, or given, or refused or neglected to make, or to give, any contribution, assessment or payment for, or in connection with, any political campaign or political party or organization.

SEC. 28.—At any public hearing or session of the Commission any citizen of the Commonwealth, or of any county or city, shall have the right to be present in person or by counsel, and, subject to reasonable regulations of the Commission, to interro-

gate any witness and to produce evidence and arguments either in favor of or against any proposed classification, rule or other action. Public notice of every proposed public hearing shall be given at least one week in advance thereof and shall state clearly the purpose of the hearing and the matters to be there and then considered. A copy of every such notice shall be posted on a suitable public bulletin board at the office of the Commission.

SEC. 29.—Whoever makes an appointment to any position contrary to the provisions of this Act or of the rules made pursuant thereto, or wilfully refuses or neglects to comply with, or to conform to, the provisions of this Act or violates any of its provisions, shall be deemed guilty of a misdemeanor.

SEC. 30.—Any person who shall wilfully, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination, appointment or employment according to this Act, or to any rules or regulations prescribed pursuant thereto; or who shall wilfully or corruptly falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act, or aid in so doing; or who shall wilfully make any false representations concerning the same, or concerning the person examined; or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified; or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or appointment or application or request to be examined or registered or appointed; or who shall furnish any false information about himself, or about any other person, in connection with any examination or registration or appointment or application or request to be examined or registered or appointed; shall, for each offense, be deemed guilty of a misdemeanor.

SEC. 31.—Misdemeanors under the provisions of this Act shall be punishable by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both fine and imprisonment, in the discretion of the Court.

SEC. 32.—Any false statement made under oath, either in any application or other paper filed with the Commission, or in any proceeding before the Commission, or in any proceeding arising under this Act, shall be perjury and punishable as such.

SEC. 33.—Any county having a population of less than two hundred and fifty thousand inhabitants according to a United States census, or any city of the third class, may accept this Act in the following manner:

Whenever a petition signed by five per cent. of the duly qualified voters of any such county or of any such city shall

have, at least two months prior to any election, been presented to the County Commissioners of the county in which such qualified voters reside requesting that an election be held to determine whether or not this Act shall be accepted by such county or city, the said County Commissioners shall thereupon arrange for the submission of this question at the next succeeding election within the said county to the duly qualified voters of the said county if the petition shall relate to a county or at the next succeeding election within the said city to the duly qualified voters of the said city if the petition shall relate solely to a city. The County Commissioners and the Sheriff of the county in which such petition is presented shall give such notice by publication or otherwise as may be required by the laws of the Commonwealth in the case of a general election that at the next succeeding election the question hereinafter set forth will be submitted to the duly qualified voters of the said county or of the said city, as the case may be. The County Commissioners of the said county shall further cause to be printed on the official ballot prepared for use at the next succeeding election within the county or the city in relation to which the said petition may have been presented in the form required by law for the submission of a constitutional amendment or other question required to be submitted to the vote of the people the question as to whether or not this Act shall be accepted in the said locality in substantially the following form:

Shall the Civil Service Act of (insert date of this Act) be accepted by the county (or by the city) of (insert name of county or of city, as the case may be)?

It shall be the duty of the proper officers of the said county or of the said city to submit this question to the vote of the duly qualified electors of the said county or of the said city at such next succeeding election, which shall be held at the places and by the officers provided by law for the holding of general elections. It shall be the duty of the judges and inspectors of such elections to receive from the duly qualified electors ballots containing the aforesaid question and the vote of the electors thereon, and to count the ballots and to make return thereof to the proper officials as required by law in the case of other ballots. The return judges and other officers charged with the duty of certifying the result of the said election shall also certify to the County Commissioners and in the case of a city to the Mayor, whether or not the majority of the electors of the county or of the city as the case may be who voted on the said question at the said election did vote in favor of accepting this Act. If such a majority did so vote, the County Commissioners or the Mayor shall make a public proclamation that the provisions of this Act are effective in the county or in the city, as the case may be. Thereafter the provisions of this Act shall be observed in the appointment, promotion, transfer, reduction, removal and reinstatement of all officers, clerks and employes in the Civil Service of such county or of such city and in all other matters provided for in this Act.

SEC. 34.—All Acts and parts of Acts of Assembly of this Commonwealth, general, special or local, in relation to the Civil Service of the Commonwealth of Pennsylvania or of the counties and cities therein inconsistent with this Act are hereby repealed: *Provided, however,* that no existing Acts shall be affected, amended, or repealed in so far as they apply to counties or cities which have not accepted this Act and established the examination system herein provided for. It is intended by this Act to furnish a complete, comprehensive and exclusive system for the appointment, promotion, reduction, transfer, removal and reinstatement of all officers, clerks and employes in the Civil Service of the Commonwealth, and in the Civil Service of counties with a population of more than two hundred and fifty thousand inhabitants, and in the Civil Service of such counties and such cities as have accepted this Act, but it is not intended in any manner or to any extent to affect any Acts or parts of Acts relating to the Civil Service of counties with a population of less than two hundred and fifty thousand inhabitants which have not at any time accepted this Act, or of cities which have not at any time accepted this Act.

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